

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Deanna Parris and Brian Parris,

Plaintiffs,

vs.

Walmart, Inc. and Wal-Mart Stores East, L.P.,

Defendants.

**DEFENDANTS' NOTICE OF
REMOVAL**

Defendants file this Notice of Removal of the above-titled action from the Circuit Court of Greenville County, South Carolina, to the United States District Court for the District of South Carolina, Greenville Division, pursuant to 28 U.S.C. § 1441 and, in support thereof, would show as follows:

1. The above-titled action was instituted by the Plaintiffs against the Defendants by the filing of a Summons and Complaint on November, 2022. Defendants were each personally served by delivery to their registered agent, CT Corporation, on December 1, 2022.

2. The action is currently pending in the Court of Common Pleas for Greenville County, South Carolina, Case No. 2022-CP-23-06293. No further proceedings have been filed and the Summons and Complaint constitute all process, pleadings and orders served in this action. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint is filed herewith.

3. There is jurisdiction over this removed action pursuant to 28 U.S.C. § 1441 because this action could have originally been filed in this court pursuant to 28 U.S.C. § 1332. Specifically, this suit is removable because, as set forth more fully below, there is complete diversity of citizenship between the Plaintiffs and each Defendant. Based upon Plaintiffs' alleged

physical injuries, as well as other claimed injuries and damages, including punitive damages, the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

4. At the time of commencement of the action, Plaintiffs were and still are citizens of South Carolina. Defendants Walmart Inc. (formerly Wal-Mart Stores, Inc.) and Wal-Mart Stores East, L.P. were at the time of the commencement of the action, and still are, corporate business entities organized and existing under the laws of a state other than South Carolina and having their principal places of business in a state other than South Carolina. Specifically, pursuant to 28 U.S.C. § 1332(c)(1), Walmart Inc. is a citizen of both Delaware and Arkansas, as it is a Delaware corporation with its principal place of business in Arkansas. Similarly, Wal-Mart Stores East, L.P. is a citizen of both Delaware and Arkansas, as it is a Delaware limited partnership with its principal place of business in Arkansas. Based upon the foregoing, there is complete diversity of citizenship between Plaintiffs, South Carolina residents, and Defendants, each a foreign corporation, as required by 28 U.S.C. § 1332.

5. Plaintiffs' Complaint arises out of a July 28, 2021, incident in which Plaintiff Deanna Parris tripped and fell over a rug at the subject Walmart store. *See* Complaint, ¶ 6. Plaintiffs contend that Deanna Parris sustained injuries and damages as a result of the incident, including medical expenses, pain, suffering, impairment, and disability, among other things, and that Brian Parris suffered resulting loss of consortium, entitling Plaintiffs to actual and punitive damages. *Id.* at ¶¶ 8, 12, and prayer for relief.

6. Upon information and belief, based upon Plaintiffs' claimed damages and the undersigned's communications with Plaintiffs' attorney prior to the filing hereof, the amount in controversy in this matter exceeds the sum of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars, exclusive of interest and costs and said action is one over which the District Court of the

United States has original jurisdiction under 28 U.S.C. § 1332.

7. Defendants hereby gives counsel for Plaintiffs written notice of the removal of this action and will provide a copy of this Notice of Removal to the Clerk of Court for Greenville County, as required by 28 U.S.C. § 1446(d).

8. Defendants file this Notice of Removal within thirty (30) days of the receipt of Plaintiffs' Complaint in the state court action, which was the first pleading received by Defendants setting forth the claims for relief upon which this action is based.

WHEREFORE, Defendants respectfully submit this Notice of Removal of the state court action to this Court this 28th day of December, 2022.

s/ Lee Ellen Bagley

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